REMARKS

The present amendment is submitted in response to the Office Action dated December 31, 2003, which set a three-month period for response, making this amendment due by March 31, 2004.

Claims 1-11 are pending in this application.

In the Office Action, claims 1-11 were objected to for various informalities. Claims 1, 2, and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,69,582 in view of U.S. Patent No. 4,527,978 to Zackrisson. Claims 1, 4, 5, 7, and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,714,739 to Neufeld in view of Zackrisson.

The Applicants note with appreciation the indicated allowability of claims 3, 6, and 9-11, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In the present amendment, claim 1 was amended to change "via" to "a", as suggested by the Examiner.

With regard to the substantive rejection of the claims, the Applicants respectfully disagree that the present invention is made obvious by the cited reference combinations.

As defined in claim 1 of the present application, the drive shaft 10 is made from multiple parts that are fixedly connected to one another. These parts are

the base body 14 and the connection part 16 or 22, as well as an intermediate piece 28, if necessary. The connection part 16 or 22, on which an attachment part of a windshield wiper is placed, comprises a screw thread 18 for a screw nut or a screw, which are not shown, and by means of which the attachment part is releasably fixed to the drive shaft. The screw nut or the screw as well as the attachment part are independent components and are not included as parts of the drive shaft 10.

As a rule, the drive shaft 10 and the nut or screw are made out of steel, so that the screw connection between the drive shaft and the nut or screw has a sufficient stability. If the drive shaft is made from aluminum, a sufficient stability of the screw connection would not be warranted, in particular, when the screw connection must be released multiple times during the product life. In addition, aluminum, in particular with steel, has an unfavorable corrosion behavior, so that the screw connection, with the effect of moisture, can no longer be released non-destructively after a relatively short period of time.

The Examiner designates incorrectly the screw nut 38 of Berge et al as a connection part of the drive shaft 12. The nut 38, however, is not releasably connected with the drive shaft 12 according to the necessity of function, and thus, is not a component of the drive shaft 12. The part of the drive shaft 12 of Berge et al that is comparable with the connection part 16 according to the present invention is the free end 28 with the threading 34. In the entire patent to Berge et al, no suggestion is provided that the drive shaft 12 can be combined from multiple parts, which comprise different materials. Therefore, the

practitioner would not be lead to the present invention as defined in claim 1 from studying Berge et al.

The patent to Zackrisson describes a drive shaft 10 with a hollow center part 12 and connection pieces 14 on its ends. It is completely unsuitable for a windshield wiper. Zackrisson provides no suggestion to the practitioner of the use for a windshield wiper. The part 12 and the connection pieces 14 are made from the same material, namely, aluminum 6061 (see column 2, lines 11 through 14 and column 2, lines 24 through 26). Likewise, they have the same hardness T6. The parts are fixedly connected to one another by welding. In order to compensate for the hardness loss created by welding in the region of the welding seam, the material cross section in this region is increased. The connection pieces 14 have no screw thread, so that the problem addressed and resolved by the present invention is not considered.

The Zackrisson patent also contains no suggestion that the connection pieces 14 should be manufactured from a harder material than the part 12. In addition, the practitioner must accept that fro the parts 14 and 12, the same materials are used, since they are to be welded to one another. Thus, this reference would not be considered by a practitioner in combination with the Berge et al reference to arrive at the present invention as defined in claim 1.

Therefore, the combination of Berge with Zackrisson does not render obvious the subject matter of claim 1. Obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103,

teachings of references can be combined only if there is some suggestion or incentive to do so. ***ACS Hosp. Sys., Inc. v. Montefiore Hosp.***, 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

Claim 1 was further rejected as obvious over the Neufeld and Zackrisson patents. Neufeld is comparable to the Berge et al patent. It differs merely in that instead of the screw nut 38, a screw 53 with an outer thread 54 is provided, which forms a screw connection with an inner thread 36 in the **connection region** 32. Thus, this reference contains no suggestion that makes obvious the solution provided by the present invention as defined in claim 1, when combined with the Berge et al patent. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ***In re Fritch***, 23 USPQ 2d 1780, 1783-83 (Fed. Cir. 1992).

For the reasons set forth above, the Applicants respectfully submit that claims 1-11 are patentable over the cited references. The Applicants further request withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss

appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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